

CHAPTER 129

COMMITMENT AND DISCHARGE OF INSANE

S. F. 171

AN ACT to amend sections two hundred twenty-nine point five (229.5), two hundred twenty-nine point nine (229.9), two hundred twenty-nine point eleven (229.11), two hundred twenty-nine point ten (229.10), two hundred twenty-nine point fourteen (229.14), and two hundred twenty-nine point twenty-four (229.24), and repealing section two hundred twenty-nine point thirteen (229.13), and amending section two hundred twenty-nine point seventeen (229.17), code 1946, relating to the commitment and discharge of persons who are insane.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred twenty-nine point nine (229.9),
2 Code 1946, is hereby amended by adding the following words, "No
3 person shall be ordered committed or delivered to a state hospital
4 until the commission has first communicated with the superintendent
5 of said hospital, and has been advised that adequate facilities are
6 available."

1 SEC. 2. Section two hundred twenty-nine point ten (229.10), Code
2 1946, is hereby amended by striking from line two (2) thereof the
3 word "forthwith".

1 SEC. 3. Section two hundred twenty-nine point eleven (229.11),
2 Code 1946, is hereby amended by striking from line three (3) thereof
3 the word "sheriff" and inserting in lieu thereof the words, "person's
4 attending physician or some one designated by said physician". Further
5 amend section two hundred twenty-nine point eleven (229.11), Code
6 1946, by striking the word "sheriff" in line nine (9) thereof and
7 inserting in lieu thereof the words "said physician".

1 SEC. 4. Section two hundred twenty-nine point fourteen (229.14),
2 Code 1946, is hereby amended by striking the word "sheriff" in line
3 one (1) and inserting in lieu thereof the words, "person's attending
4 physician or some one designated by said physician".

1 SEC. 5. Section two hundred twenty-nine point twenty-four
2 (229.24), Code 1946, is hereby amended by inserting after the word
3 "for" in line seven (7) the following, "either in the county home or".

1 SEC. 6. Section two hundred twenty-nine point thirteen (229.13),
2 Code 1946, is hereby repealed.

1 SEC. 7. Amend section two hundred twenty-nine point five (229.5),
2 Code 1946, by adding thereto the following:
3 "If at said hearing such person appears without counsel or appear-
4 ance is made in his behalf without counsel, the commission, before
5 proceeding further, shall inform such person or persons appearing
6 for him of his right to legal counsel, then if no counsel is employed,
7 the district court shall assign him counsel. An attorney so assigned
8 shall receive such compensation as the district court shall fix to be
9 paid in the first instance by the county."

1 SEC. 8. Amend section two hundred twenty-nine point seventeen
2 (229.17), Code 1946, by striking the word "ten" in line four (4) and
3 substituting therefor the word "thirty". Further amend said section

4 by adding the following: "Such person shall have the right to have
5 the appeal decided by a jury under the rules and statutes relating to
6 jury trials in civil cases."

Approved April 3, 1947.

CHAPTER 130

MENTALLY INCOMPETENT VETERANS

S. F. 307

AN ACT to repeal section two hundred twenty-nine point twenty (229.20), code 1946, relating to beneficiaries of veterans bureau and inserting a new section in lieu thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred twenty-nine point twenty
2 (229.20); Code 1946, is hereby repealed and the following inserted
3 in lieu thereof:

4 "Whenever, in any proceeding under the laws of this State for
5 the commitment of a person alleged to be of unsound mind or other-
6 wise in need of confinement in a hospital or other institution for
7 his proper care, it is determined after such adjudication of the status
8 of such person as may be required by law that commitment to a
9 hospital for mental disease or other institution is necessary for
10 safekeeping or treatment and it appears that such person is eligible
11 for care or treatment by the Veterans Administration or other agency
12 of the United States Government, the Court, upon receipt of a
13 certificate from the Veterans Administration or such other agency
14 showing that facilities are available and that such person is eligible
15 for care or treatment therein, may commit such person to said
16 Veterans Administration or other agency. The person whose com-
17 mitment is sought shall be personally served with notice of the pending
18 commitment proceeding in the manner as provided by the law of this
19 State; and nothing in this act shall affect his right to appear and be
20 heard in the proceedings. Upon commitment, such person, when
21 admitted to any facility operated by any such agency within or
22 without this State shall be subject to the rules and regulations of the
23 Veterans Administration or other agency. The Chief Officer of any
24 facility of the Veterans Administration or institution operated by
25 any other agency of the United States to which the person is so
26 committed shall with respect to such person be vested with the same
27 powers as superintendents of state hospitals for mental diseases
28 within this State with respect to retention of custody, transfer, parole
29 or discharge. Jurisdiction is retained in the committing or other
30 appropriate court of this State at any time to inquire into the mental
31 condition of the person so committed, and to determine the necessity
32 for continuance of his restraint, and all commitments pursuant to
33 this act are so conditioned.

34 The judgment or order of commitment by a court of competent
35 jurisdiction of another State or of the District of Columbia, committing
36 a person to the Veterans Administration, or other agency of the
37 United States Government for care or treatment shall have the